

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Brian Craig Bueseher

2. **Position:** State the position for which you have been nominated.

United States District Judge for the District of Nebraska

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

1650 Farnam Street, Omaha, Nebraska 68102

4. **Birthplace:** State year and place of birth.

1975; Beatrice, Nebraska

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1997 – 2000, Georgetown University Law Center; J.D., 2000

1993 – 1997, University of Nebraska, Lincoln, Nebraska; B.A., 1997

1997, University of Regensburg, Regensburg, Germany; Summer 1997 (no degree conferred; summer study abroad program)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2000 – present
Kutak Rock LLP
1650 Farnam Street
Omaha, Nebraska 68105

Chair, Agribusiness Litigation (2009 – present)
Partner (2007 – present)
Associate (2000 – 2007)
Summer Associate (1998, 1999)

2014 – present
Buescher Family Cattle Business
15803 Middle Island Drive
South Bend, Nebraska 68058
Partner

1999
Shook, Hardy & Bacon, LLP
1155 F Street N.W., Suite 200
Washington, D.C. 20004
Summer Associate

1999
Shook, Hardy & Bacon, LLP
2555 Grand Boulevard
Kansas City, Missouri 64108
Summer Associate

1998 – 1999
Kutak Rock LLP
1625 I Street N.W.
Washington, D.C. 20006
Law Clerk

1997 – 1998
United States Senator Chuck Hagel
United States Senate
Washington, D.C.
Paid Intern

1997
Buescher Farms
Craig Buescher
15803 Middle Island Drive
South Bend, Nebraska 68058
Farm Hand

Other Affiliations (uncompensated):

2016 – present
Downtown Omaha YMCA

430 South 20th Street
Omaha, Nebraska 68102
Board Member

2012 – present
Nebraska State Records Board
440 South 8th Street, Suite 210
Lincoln, Nebraska 68508
Appointed Member

2007 – present
The Georgetown Journal of Legal Ethics
Office of Journal Administration
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
Advisory Board

2000 (approximately) – present
Nebraska Republican Party
1610 N Street
Lincoln, Nebraska 68508
Volunteer Legal Counsel (2015 – 2018)
Nebraska State Central Committee (2004 – 2018)
Finance Committee Chair (2013 – 2014) (approximately)
Executive Committee Member (various; I do not recall the exact years)

2008 – 2018
Citizens to Elect Brian Bucscher
3722 Pacific Street
Omaha, Nebraska 68105
Candidate Committee
Former Candidate

2014 – 2018
Kutak Rock LLP Political Action Committee
1650 Farnam Street
Omaha, Nebraska 68102
Appointed Member

2000 – 2016
Douglas County Republican Party
Post Office Box 45913
Omaha, Nebraska 68145
Chairman (volunteer) (2007 – 2009)
Volunteer legal counsel (2005 – 2007)
Executive Committee Member (various)

2004
Douglas County, Nebraska Attorney's Office
1701 Farnam Street
Hall of Justice, Room 101
Omaha, Nebraska 68183
Prosecutor, Domestic Violence Division

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the United States Military. I have registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Excellence in Agricultural Law Award for Private Practice, American Agricultural Law Association (2017)

Ten Outstanding Young Omahans (TOYO) Award, Omaha Jaycees (2008)

St. Thomas More Award for Outstanding Publication in Legal Ethics (2000)

Dean's List, Georgetown University Law Center (1999 – 2000)

Honors Program graduate, University of Nebraska-Lincoln (1997)

President, Society of Innocents, University of Nebraska-Lincoln (1997)

Phi Beta Kappa, University of Nebraska-Lincoln (1997)

Chancellor's Scholar, University of Nebraska-Lincoln (1997)

DAAD Germany Study-Abroad Scholarship (1997)

Honorary Admiral, the Great Navy of the State of Nebraska (1997)

Regents Scholarship, University of Nebraska-Lincoln (1993 – 1997)

Valedictorian, Sandy Creek High School, Fairfield, Nebraska (1993)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the

titles and dates of any offices which you have held in such groups.

American Agricultural Law Association (AALA) (2010 – present)
Awards Committee Chair (2016)

American Bar Association (2000 – present)

Iowa Bar Association (2010 – present)

Nebraska Bar Association (2000 – present)
Agricultural Law Section (Chair, 2007 – 2010, 2015 – 17; Executive Committee and other offices (various times; I do not recall the exact years))
Environmental Law Section (Chair, 2009 – 2010, Executive Committee and other offices (various times; I do not recall the exact years))

Omaha Bar Association (2000 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Iowa, 2010
Nebraska, 2000

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Eighth Circuit, 2015
United States District Court for the Northern District of Iowa, 2008
United States District Court for the Southern District of Iowa, 2010
United States District Court for the District of Nebraska, 2000
United States Court of Federal Claims, 2005

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held.

Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Aksarben Coronation Scholarship Ball Floor Committee (2015 – 2016)

Cathedral Catholic Church, Omaha, Nebraska (2000 – 2002)

Citizens to Elect Brian Buescher, Campaign Committee for reporting purposes (2008 – 2018)

Downtown YMCA, YMCA of Greater Omaha, Board of Directors (2016 – present)

Federalist Society for Law and Public Policy Studies, Member (approximately 1997 – 2000, 2014 – 2015, 2017 – 2018)

Field Club Neighborhood Association, Omaha, Nebraska (2007 – 2017)

Field Club of Omaha (2007 – present)

The Georgetown Journal of Legal Ethics, Georgetown University Law Center (1998 – 2000)

Editor-In-Chief (1999 – 2000)

Hanscom Park Neighborhood Association, Omaha, Nebraska

Member (2002 – 2007)

President (2004 – 2006)

Hugh O'Brien Youth Foundation of Nebraska, Omaha, Nebraska, Board Member (approximately 2004 – 2006)

Knights of Columbus (1993 – present)

Knights of Columbus Fourth Degree (2007 – present)

Our Lady of Lourdes Archdiocesan Appeal, Parish Chair (2011 – 2018)

Our Lady of Lourdes Capital Campaign, Honorary Chair (2018)

Our Lady of Lourdes Catholic Church Parish Council

Member (2009 – 2012)

President (2010 – 2012)

Our Lady of Lourdes Fall Festival Sponsorship Program, Chair (2011 – 2018)

Vice President, Georgetown University Law Center Student Bar Association

(1999 – 2000)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Knights of Columbus is a Roman Catholic service organization that limits their membership to men. There is an equivalent service organization for women. To the best of my knowledge, none of the other organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

The Public Pulse: Get out to the state fair next year, Omaha, Omaha World-Herald, Sept. 9, 2017. Copy supplied.

ABA Model Rule 7.6: The ABA Pleases the SEC, but Does Not Solve Pay to Play, 14 Geo. J. Legal Ethics 139 (2000). Copy supplied.

Out with the Code and in with the Rules: The Disastrous Nebraska "Bright Line" Rule for Conflict of Interest: A Direct Consequence of the Shortcomings in the Model Code, 12 Geo. J. Legal Ethics 717 (1999). Copy Supplied.

I also authored a law school paper in 1998 or 1999, entitled *High Crimes and Misdemeanors: a Textualist vs. Traditionalist Approach to Interpretation*, regarding the impeachment of President Bill Clinton. The article was submitted in the summer of 2000 to the then-new *Georgetown Journal of Law and Public Policy*. The Journal selected the article for publication, but because the Journal was new, the article was published online, and was only available for approximately one year. I have been unable to locate a copy of the article.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If

you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or supplied or that others presented on your behalf to public bodies or public officials.

Letter to Sen. Grassley, Re: The Confirmation of 10th Circuit Judge Neil M. Gorsuch, (February 9, 2017). Copy supplied.

CSPAN footage from the Republican National Convention Platform Meeting, Part 3, Cleveland, Ohio, C-SPAN3, July 11, 2016. Video available at <https://www.c-span.org/video/?412478-3/republican-national-committee-platform-hearing-part-3>

CSPAN footage from the Republican National Convention Platform Meeting, Day 2, Part 2, Tampa, Florida, C-SPAN2, August 21, 2012. Video available at <https://www.c-span.org/person/?brianbuescher>

I have served on the Nebraska State Records Board since 2011. I have supplied the minutes to each board meeting that I participated in since I joined the board.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

August 23, 2018: Presenter, "Agricultural Law Update," Current Issues in Agribusiness Seminar, Kutak Roek LLP, Omaha, Nebraska. PowerPoint supplied.

August 29, 2017: Presenter, "Agricultural Law Update," Current Issues in Agribusiness Seminar, Kutak Rock LLP, Omaha, Nebraska. PowerPoint supplied.

October 28, 2016: Presenter, "Agricultural Law and Regulatory Update," Nebraska Bar Association Annual Meeting, Omaha, Nebraska. PowerPoint supplied.

September 27, 2016: Presenter, "Farm Law Update, State and Federal Regulatory Changes," Nebraska Farm Business Contracts, Tax Strategies, Regulatory Changes and More, National Business Institute Seminar, Omaha, Nebraska. PowerPoint supplied.

August 30, 2016: Presenter, "Agricultural Law Update," Current Issues in Agribusiness Seminar, Kutak Roek LLP, Omaha, Nebraska. PowerPoint supplied.

October 9, 2015: Presenter, "The EPA Clean Water Rule," Navigating Water Quality Issues CLE Seminar, Nebraska Bar Association Annual Meeting, Omaha, Nebraska. PowerPoint supplied.

August 25, 2015: Presenter, "Litigation Update and Regulatory Trends Impacting Agribusiness," Current Issues in Agribusiness Seminar, Kutak Roek LLP, Omaha, Nebraska. PowerPoint supplied.

October 20, 2014: Presenter, "Food Recalls: From the Attorney's Perspective," American Agricultural Law Association Annual Meeting, Albuquerque, New Mexico. Notes supplied.

October 7, 2014: I gave a short introductory extemporaneous speech regarding my background and experience running for office. I have no notes, transcript, or recording. The speech was given to an informal group that calls themselves the Conservative Speakers Group. The organization has no address, but the location of meetings is the Alliance Group, 2566 Leavenworth Street, Omaha, Nebraska.

August 26, 2014: Emcee, Current Issues in Agribusiness Seminar, Kutak Rock LLP, Omaha, Nebraska. Agenda supplied.

May 15, 2014: Omaha Chamber of Commerce Young Professionals candidate panel, Omaha, Nebraska. The speech was on the attorney general's race and experience running for office. I have no notes, transcript, or recording. The sponsoring organization was, I believe, the Omaha Chamber of Commerce Young Professionals, 808 Conagra Drive, Suite 400, Omaha, Nebraska 68102.

May 6, 2014: Brian Buescher for Attorney General Fundraiser, Omaha, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was Citizens to Elect Brian Buescher, 3722 Pacific Street, Omaha, Nebraska 68105.

April – May, 2014: Various Campaign Materials of the Brian Buescher for Attorney General Campaign, 2014. Copies supplied.

April 2014: Brian Buescher for Attorney General Radio Commercials, 2014. Audio supplied.

April 2014: Remarks, Endorsement of Mayor Jean Stothert for candidacy for Nebraska Attorney General, Kutak Rock LLP, Omaha, Nebraska. Notes supplied.

April 30, 2014: Buescher for Attorney General Television Commercial. Video available at https://www.youtube.com/watch?v=SOW_dbaPv6s.

April 27, 2014: Johnson County Republican Party Candidate Forum, Johnson, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Johnson County Republican Party, 62327 735 Road, Cook, Nebraska 68329.

April 21, 2014: Speaker, Attorney General Candidate Forum, Lincoln Independent Business Association. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Lincoln Independent Business Association, 620 North 48th Street, Suite 205, Lincoln, Nebraska 68504.

April 15, 2014: Speaker, Wayne County Republican Party Candidate Meet and Greet, Wayne, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Wayne County Republican Party, 1006 Main, Wayne, Nebraska 68787.

April 14, 2014: Speaker, Washington County Republican Party Candidate Meet and Greet, Blair, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Washington County Republican Party, 5139 County Road P37, Blair, Nebraska 68008.

April 10, 2014: Speaker, Sarpy County Paeyderm Luncheon Bellevue, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Sarpy County Paeyderm Group, which has no office or mailing address. I believe the organization may no longer exist.

April 9, 2014: Speaker, Nebraska City Meet & Greet, Nebraska City, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was Citizens to Elect Brian Buescher, 3722 Pacific Street, Omaha, Nebraska 68105.

April 3, 2014: Speaker, Candidate Forum at University of Nebraska College of Law. I spoke about the attorney general's race. I have no notes, transcript, or recording. The sponsoring organizations were the Law College Democrats and the Republican Law Student Association, located at the University of Nebraska College of Law, Post Office Box 830902, Lincoln, Nebraska 68583.

April 3, 2014: Speaker, Sarpy County Republican Party monthly meeting, Bellevue, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization is the Sarpy County Republican Party, 16702 South 57th Street, Papillion, Nebraska 68133.

April 2, 2014: Speaker, Brian Buescher for Attorney General Fundraiser, Hastings, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was Citizens to Elect Brian Buescher, 3722 Pacific Street, Omaha, Nebraska 68105.

April 1, 2014: Speaker, Brian Buescher for Attorney General Fundraiser, Omaha Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was Citizens to Elect Brian Buescher, 3722 Pacific Street, Omaha, Nebraska 68105.

March 27, 2014: Speaker, 28th Legislative District Candidate Forum, Lincoln, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. I do not know who the sponsoring organization was.

March 25, 2014: Speaker, Douglas County Republican Party Central Committee Meeting, Omaha, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Douglas County Republican Party, Post Office Box 48913, Omaha, Nebraska 68145.

March 17, 2014: Speaker, Omaha Republican Business and Professional Women meeting, Omaha, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Omaha Republican Business and Professional Women Club, which has no office or mailing address. The organization maintains a website at <http://orbpfrw.blogspot.com/>

March 9, 2014: Speaker, Cuming County Republican Party Candidate Forum, West Point, Nebraska. The speech was on the attorney general's race. I have no notes, transcript, or recording. The sponsoring organization was the Cuming County Republican Party, 1094 Highway 9, West Point, Nebraska 68788.

February – May, 2014. Various campaign publications and materials. Copies supplied.

February – May, 2014. Brian Buescher for Attorney General Commercial. Copy supplied.

Between the summer of 2014 and March, 2018, I have sporadically attended the Conservative Speaker's Group, which meets approximately monthly. A purpose of the group is for attendees to practice extemporaneous speaking. At these meetings,

I would occasionally give extemporaneous speeches on topics related to current events lasting between 1 and 7 minutes. I have no notes, transcripts, or recordings. The sponsoring organization has no mailing address, but meets at the Alliance Group, 2566 Leavenworth Street, Omaha, Nebraska 68105.

August 13, 2013: Presenter, "Current Topics: Litigation Risks," Current Issues Facing Agribusiness: Managing Risk Seminar. Kutak Rock LLP, Omaha, Nebraska. PowerPoint supplied.

October 20, 2012: Presenter, "Real World Implications of Farm Animal Welfare Laws and Agreements," American Agricultural Law Association Symposium, Nashville, Tennessee. PowerPoint and agenda supplied.

August 7, 2012: Presenter, "Special Interest Challenges Facing Confinement Agriculture," Current Issues Facing Agribusiness, Kutak Rock LLP, Omaha, Nebraska. PowerPoint supplied.

August 25, 2011. Presenter, "Warehousing: Pitfalls of Warehouse Terms & Conditions," From Farm to Table, Current Issues Facing Agribusiness in the Supply Chain, Kutak Rock LLP, Omaha, Nebraska. PowerPoint supplied.

October 22, 2010: Presenter, "Potential Sources of New Regulation," and Moderator for Discussion of Environmental Issues Associated with the Trans Canada Pipeline and Ogallala Aquifer Moderator, Nebraska Bar Association Annual Meeting, Lincoln, Nebraska. PowerPoint supplied.

October 9, 2010: Presenter, "Nuisance Livestock, Trespassing Odor & Manure, and Land Use Restrictions," American Agricultural Law Association Annual Meeting, Omaha, Nebraska. PowerPoint supplied.

June 4, 2010: Presenter and Moderator, "Legal Aspects of Animal Agriculture," Nebraska Bar Association Agricultural Law Seminar, Kearney, Nebraska. PowerPoint supplied.

October, 2009 (approximate): Presenter, Annual Meeting of the Natural Resources and Environmental Law and Agricultural Law Sections of the Nebraska Bar Association, Omaha, Nebraska. I presented an update on agricultural law issues. I have no notes, transcript, or recording. The sponsoring organization was the Nebraska Bar Association, Agricultural Law Section, 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

April 2, 2009: Speaker, Destination Midtown City Council District 3 Forum. The speech was on the District 3 Omaha City Council race. I have no notes, transcript, or recording. I do not recall the location of the candidate forum. The sponsoring organization was the Midtown Neighborhood Alliance, which does

not have an independent address, but maintains a website at <https://midtownneighborhoodalliance.wordpress.com/>

March – April, 2009: Various Omaha City Council District 3 campaign materials. Copies supplied.

March 9, 2009: Speaker, Dundee-Memorial Park Neighborhood Association Meeting. The speech was on the District 3 Omaha City Council race. I have no notes, transcript, or recording. The sponsoring organization was the Dundee-Memorial Park Neighborhood Association. The organization does not maintain a physical mailing address.

January 21, 2009: Speaker, Republican Forum Monthly Meeting Group, Omaha, Nebraska. The speech was on the District 3 Omaha City Council race. I have no notes, transcript, or recording. The sponsoring organization no longer exists.

January 8, 2009: Speaker, Leadership Circle Women's Group, Omaha, Nebraska. The speech was on the District 3 Omaha City Council race. I have no notes, transcript, or recording. The sponsoring organization was the Leadership Circle Women's Group, which does not maintain a physical mailing address.

October 24, 2008: Presenter, "Agribusiness Law Update," Annual Meeting of the Natural Resources and Environmental Law and Environmental Law Sections of the Nebraska Bar Association, Omaha, Nebraska. The sponsoring organization was the Nebraska Bar Association, Agricultural Law Section, 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508. PowerPoint supplied.

October 19, 2007: Presenter, Annual Meeting of the Natural Resources and Environmental Law and Agricultural Law Sections of the Nebraska Bar Association, Omaha, Nebraska. I spoke on agribusiness practice generally. I have no notes, transcript, or recording. The sponsoring organization was the Nebraska Bar Association, Agricultural Law Section, 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

2005 (approximately): Lecturer, Creighton University Law Faculty, Omaha, Nebraska. I spoke on various legal topics related to agricultural law. I have no notes, transcript, or recording. The sponsoring organization was the Creighton School of Law, 2500 California Plaza, Omaha, Nebraska 68178.

May, 1993: Presenter, Sandy Creek High School graduation ceremonies, Fairfield, Nebraska. I presented the valedictorian speech. I have no notes, transcript, or recording. The sponsoring organization was Sandy Creek High School, 30671 NE-14, Fairfield, Nebraska 68938.

October, 1992: Presenter, Sandy Creek High School All-School Assembly. I presented a speech regarding the presidential election prior to mock presidential

election by entire student body. I have no notes, transcript, or recording. The sponsoring organization was Sandy Creek High School, 30671 NE-14, Fairfield, Nebraska 68938.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have been active in my community and in the political sphere for over twenty years. Although I have listed every interview responsive to this question, it is possible that I conducted additional interviews for which I have no recollection or record, or that the press ended up not publishing, or which are not available today.

Interview, American Agricultural Law Association, 2017 (approximately). Copy available at <https://www.aglaw-assn.org/featured-member-brian-c-buescher/>

Interview, *Some Nebraska GOP delegates praise Trump's VP choice*, Associated Press State Wire, Lincoln, Nebraska, July 15, 2016. Copy supplied.

Brian Buescher at the GOP Platform Committee in Cleveland, *The Wheels Down Politics Show*, July 13, 2016. Audio recording supplied.

Paul Hammel, *Peterson beats back big bucks in GOP race - He wins despite being outspent by 3 rivals, while Stewart defeats Eureka for the Democratic nod*, Omaha World-Herald, May 14, 2014. Copy supplied.

Interview, KLIN, Lincoln, Nebraska, May 12, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, WJAG, Norfolk, Nebraska, May 12, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KTIC, West Point, Nebraska, May 12, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KHAS-FM, Hastings, Nebraska, May 12, 2014. Copy supplied.

Interview, US92 and KTIV, Sioux City, Iowa, May 12, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Paul Hammel, *Outside money in GOP race is raising concerns*, Omaha World-Herald, Omaha, Nebraska, May 9, 2014. Copy supplied.

6 vying for open Nebraska attorney general seat, Sioux City Journal, Sioux City, Iowa, May 9, 2014. Copy supplied. Reprinted in multiple outlets.

Jerry Purvis, *Attorney General candidate makes stop in Gering*, Gering Citizen, Gering, Nebraska, May 9, 2014. Copy supplied.

Chabella Guzman, *Attorney general candidate strong on ag policies*, Scottsbluff Star Herald, Starherald.com, Scottsbluff, Nebraska, May 9, 2014. Copy supplied.

Interview, KOLT, Seottsbuff, Nebraska, May 9, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview with KNEB, Scottsbluff, Nebraska, May 9, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or reecording.

David Swanson, *Concerns About Proposed Federal Ag Regulations Led Buescher To Seek Republican Nomination for Nebraska Attorney General*, Nemaha County Herald, Auburn, Nebraska, May 8, 2014. Copy supplied.

Melanie Wilkinson, *AG Candidate: 'Federal regulations a concern'*, York News Times, Yorknewstimes.com, York, Nebraska, May 8, 2014. Copy supplied.

Interview with KOOQ, North Platte, Nebraska, May 8, 2014. Copy supplied.

Interview, KNOP, North Platte, Nebraska, May 8, 2014. Copy supplied.

Bill Stanton, *Buescher fighting for farmers*, Columbus Telegram, Columbustelegram.com, Columbus, Nebraska, May 7, 2014. Copy supplied.

Interview, KRGI, Grand Island, Nebraska, May 7, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Attorney General Candidate Pledges 'Push Back' To EPA On Agriculture Regulations, Falls City Journal, Falls City, Nebraska, May 6, 2014. Copy Supplied.

Attorney says he will represent ag sector as attorney general, Scottsbluff Star Herald, Starherald.com, Seottsbuff, Nebraska, May 6, 2014. Copy supplied.

Tammy Pearson, *Candidate Forum held*, Nebraska City News-Press, May 2, 2014. Copy supplied.

Interview, KLZA, Falls City, Nebraska, May 2, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or reecording.

Ashley White, *GOP attorney general candidate Buescher says opposing federal regulations top priority*, Kearney Hub, May 1, 2014. Copy supplied.

Interview, Lincoln Journal-Star, Lincoln, Nebraska, May 1, 2014. Copy supplied.

Interview, NTV News, Kearney, Nebraska, April 30, 2014. Video available at <https://www.youtube.com/watch?v=NeyJFZMr2BA&t=16s>

Interview, KNOP, North Platte, Nebraska, April 30, 2014. Copy supplied.

Interview, KGFW, Kearney, Nebraska, April 30, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Kevin Zelaya, *AG candidate Buescher visits Lex*, Lexington Clipper-Herald, Lexington, Nebraska, April 30, 2014. Copy supplied.

Attorney General Candidate Campaigns in Burwell, Burwell Tribune, Burwell, Nebraska, April 30, 2014. Copy supplied.

About the candidate, Brian Buescher, Republican candidate for attorney general, Lincoln Journal-Star, Lincoln, Nebraska, April 29, 2014. Copy supplied.

Interview, KHAS-TV, Hastings, Nebraska, April 29, 2014. Video available at <https://www.youtube.com/watch?v=eL5Z51SdwgE>

Interview, KRGI, Hastings, Nebraska, April 29, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KCRO, Omaha, Nebraska, April 28, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Sheryl Schmeckpeper, *Four in race for GOP nomination for attorney general*, Norfolk Daily News, Norfolk, Nebraska, April 28, 2014. Copy supplied.

Paul Hammel, *Candidates count on high-level endorsers - Four have similarities but note differences in their experience and background*, Omaha World-Herald, Omaha, Nebraska, April 27, 2014. Copy supplied.

Former Congressman Barrett endorses Buescher for Nebraska attorney general, Lexington Clipper-Herald, Lexington, Nebraska, April 26, 2014. Copy supplied.

Interview, Alliance Times Herald, Alliance, Nebraska, April 25, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KCNI Radio, Broken Bow, Nebraska, April 25, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KRVN, Lexington, Nebraska, April 25, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KBRB, Ainsworth, Nebraska, April 24, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KSDZ, Gordon, Nebraska, April 24, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, Sheridan County Journal Star, Gordon, Nebraska, April 24, 2014. Copy supplied.

Interview, KBRX, O'Neill, Nebraska, April 23, 2014. Copy supplied.

Bill Kelly, *Campaign Connection 2014: Republican Candidates for Attorney General*, NET netnebraska.org, April 23, 2014. Copy and audio story supplied.

Stephanie Hyland, *Buescher travels through Seward*, Seward County Independent, Seward, Nebraska, April 23, 2014. Copy supplied.

Interview, NET Radio, Lincoln, Nebraska, April 23, 2014. Audio supplied.

Interview, *Election 2014: Republican Candidates for Attorney General*, Netnebraska.org, April 22, 2014. Audio available at <http://netnebraska.org/interactive-multimedia/news/election-2014-election-2014-republican-candidates-attorney-general>

Interview, KFAB, Omaha, Nebraska, April 21, 2014. Copy supplied.

Interview, KFOR, Lincoln, Nebraska, April 21, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Karla James, *A-G Candidate Buescher priorities*, Nebraskaradionetwork.com, Statewide News Service, April 21, 2014. Copy supplied.

Katie Rohman, *Agribusiness lawyer makes bid for Attorney General*, Arlington Citizen, April 21, 2014. Copy supplied. Reprinted in multiple outlets.

Camila Orti, *LIBA hosts attorney general candidates*, klkntv.com, Lincoln, Nebraska, April 21, 2014. Copy supplied.

Kevin O'Hanlon, *Six vying to replace Bruning as attorney general*, Lincoln Journal-Star, April 20, 2014. Copy supplied. Reprinted in multiple outlets.

Interview, KBLR, Blair, Nebraska, April 18, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Elizabeth Anna Valla, *Buescher opposes federal government's overreach*, Columbus Telegram, Columbus, Nebraska, April 18, 2014. Reprinted in multiple outlets.

Interview, KJSK, Columbus, Nebraska, April 17, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Candidate stops in Tekamah, Burt County Plain Dealer, Tekamah, Nebraska, April 17, 2014. Copy supplied.

Tracy Buffington, *AG candidate Buescher touts his ag background*, Fremont Tribune, April 15, 2014. Copy supplied.

Interview, KNEN US 92, Norfolk, Nebraska, April 15, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KTIC, West Point, Nebraska, April 15, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KHUB, Fremont, Nebraska, April 14, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Eugene Curtin, *GOP hopefuls pledge to reform education, fight federal government*, Bellevue Leader, Bellevue, Nebraska, April 10, 2014. Copy supplied.

Meet Your Candidates!, Valentine Midland News, Valentine, Nebraska, April 9, 2014. Copy supplied.

Interview, KNCY, Nebraska City, Nebraska, April 9, 2014. Copy supplied.

Attorney General candidate Buescher makes Nebraska City stop, Nebraska City News-Press, Nebraska City, Nebraska, April 9, 2014. Copy supplied.

Interview, 1290 KOIL, Omaha, Nebraska, April 4, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Tim Linscott, *Buescher talks water rights while campaigning in Grant*, Grant Tribune, Grant, Nebraska, April 3, 2014. Copy supplied.

Interview, KOTA, KOTANOW.com, Scottsbluff, Nebraska, April 1, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Andrew Bottrell, *AG Candidate: Agriculture over-regulation must stop*, North Platte Telegraph, North Platte, Nebraska, March 28, 2014. Copy supplied.

Interview, KSID, Sidney, Nebraska, March 28, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KDUH, Scottsbluff, Nebraska, March 28, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KODY AM, North Platte, Nebraska, March 27, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KBRL, McCook, Nebraska, March 27, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Jeff Headley, *Buescher touts his ag experience in AG race*, Keith County News, Ogalalla, Nebraska, March 27, 2014. Copy supplied.

Interview, KOGA, Ogalalla, Nebraska, March 27, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview regarding Nebraska Attorney General race, KNOP-TV, North Platte, Nebraska, March 27, 2014. Copy supplied.

Interview, WJAG, Norfolk, Nebraska, March 26, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, Rock County Leader, Bassett, Nebraska, March 26, 2014. Copy supplied.

Interview, Nebraska Family Alliance 2014 Video Voter Guide, March 24, 2014. Copy supplied.

Two NE Attorney General Candidates Campaign in Northeast Nebraska, KTIV.com, Sioux City, Iowa, March 22, 2014. Copy supplied.

Interview, KWBE AM 1450, Beatrice, Nebraska, March 21, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KNEN/KUSO, Norfolk, Nebraska, March 21, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, WJAG, Norfolk, Nebraska, March 21, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KHUB, 1340 AM, Fremont, Nebraska, March 19, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KHAS TV, Hastings, Nebraska, March 19, 2014. Copy supplied.

Harold Reutter, *Tougher on violent crime?* Grand Island Independent, Grand Island, Nebraska, March 18, 2014. Copy supplied.

Scott Koperski, *Attorney general hopefuls visit Beatrice*, Beatrice Daily Sun, Beatrice, Nebraska, March 18, 2014. Copy supplied.

Interview, KGBI/KCRO, Omaha, Nebraska, March 18, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, NTV News, Kearney, Nebraska, March 17, 2014. Video available at <https://www.youtube.com/watch?v=IbWctFT9ZLU>

Interview, KBLR, Blair, Nebraska, March 14, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Deweese native throws hat into political race for Nebraska Attorney General, Nuckolls County Locomotive Gazette, Nelson, Nebraska, March 13, 2014. Copy supplied.

Sandy Creek Grad Running for A.G., Buescher Speaks at Alma Mater, Clay County News, Sutton, Nebraska, March 13, 2014. Copy supplied.

Interview, KLIN AM 1400, Lincoln, Nebraska, March 12, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KNOP, North Platte, Nebraska, March 8, 2014. Copy supplied.

Melanie Wilkinson, *Lawyer seeks attorney general position*, York News-Times, York, Nebraska, March 7, 2014. Copy supplied.

Interview, York News-Times, York, Nebraska, March 7, 2014. Video available at <https://www.youtube.com/watch?v=yqo0DaYH6wE>.

Interview, KHGI, Lincoln-Hastings-Kearney, Nebraska, March 6, 2014. Copy supplied.

Interview, NTV News, Kearney, Nebraska, March 6, 2014. Video available at https://www.youtube.com/watch?v=wpF5t_8zrBY

Interview, KFOR AM 1240, Lincoln, Nebraska, March 1, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Interview, KOIL AM 1290, Omaha, Nebraska, February 27, 2014. I spoke about the Nebraska Attorney General's race. I have no notes, transcript, or recording.

Buescher to run for Attorney General, Nuckolls County Locomotive Gazette, Nelson, Nebraska, February 27, 2014. Copy supplied.

Brent Martin, *Brian Buescher files for Attorney General*, Nebraskaradionetwork.com, Statewide news service, February 27, 2014. Copy supplied.

Robynn Tysver, *Attorney general race yet another big draw - Five are now vying for the top political position that offers an increasingly high-profile platform*, Omaha World-Herald, Omaha, Nebraska, February 24, 2014. Copy supplied.

Paul Hammel, *Omaha Lawyer joins attorney general race*, Omaha World Herald, Omaha, Nebraska, February 21, 2014. Copy supplied. Reprinted in multiple outlets.

Kevin O'Hanlon, *Omaha Lawyer joins race for attorney general*, Lincoln Journal Star, Lincoln, Nebraska, February 20, 2014. Copy supplied. Reprinted in multiple outlets.

Interview, KHAS-TV, Hastings, Nebraska, February 17, 2014. Copy supplied.

State Attorney General – Republican Bios, 2014, Voterinformation.org. Copy supplied.

Nebraska Right to Life Political Action Committee Voter Guide / 2014 Survey for State Candidates Primary Election, Nebraskarighttolife.org, 2014. Copy supplied.

Nebraskans United for Life Survey and Endorsements, 2014. Copy supplied.

Don Walton, *Why the GOP competes to outshine Florida's moon*, Lincoln Journal-Star, August 28, 2012. Copy supplied.

Nebraska Right to Life Political Action Committee Voter Guide / 2009 Survey for City of Omaha Candidates Primary Election, Nebraskarighttolife.org, 2009. Copy supplied.

Maggie O'Brien, *Most District 3 candidates tiptoe around mayoral race*, Omaha World-Herald, Omaha, Nebraska, April 3, 2009. Copy supplied.

Tom Shaw, *Two lead funding race in council's District 3*, Omaha World-Herald, Omaha, Nebraska, April 2, 2009. Copy supplied.

Maggie O'Brien, *Field is crowded in race for District 3 post - The six council candidates all list crime among their highest priorities*, Omaha World-Herald, Omaha, Nebraska, March 23, 2009. Copy supplied.

Interview, WOWT, Omaha, Nebraska, January 13, 2009. Copy supplied.

Robynn Tysver, *Candidate Buescher vows neighborhoods first*, Omaha World-Herald, Omaha, Nebraska, December 17, 2008. Copy supplied.

Interview, KPTM, Omaha, Nebraska, October 3, 2008. Copy supplied.

Interview, KMTV, Omaha, Nebraska, September 29, 2008. Copy supplied.

Joseph Morton and Robynn Tysver, *Know Your Delegates*, Omaha World-Herald, Omaha, Nebraska, September 5, 2008. Copy supplied.

I interviewed with a national news outlet regarding farm subsidies, between September 1-4, 2008 at the Republican National Convention in Minneapolis. I have been unable to locate a copy of the interview and do not recall which national network carried the interview, though I do recall seeing a clip on television.

Michelle Leach, *Buescher's legal career lands him in Omaha as partner at Kutak Rock*, Midlands Business Journal, March 21, 2008. Copy supplied.

Mahalia Asanaenyi, *New life for neighborhood parks*, Omaha World-Herald, Omaha, Nebraska, November 12, 2005. Copy supplied.

Interview, KMTV, Omaha, Nebraska, July 22, 2005. Copy supplied.

Marion Rhodes, *Clearing dark part of park: Two neighborhood associations want to alleviate safety concerns about the northeast corner of Hanscom Park*, Omaha World-Herald, Omaha, Nebraska, May 9, 2005. Copy supplied.

Brian Carlson, *UNL Rhodes Scholar still holds passion for learning*, Daily Nebraskan, August 28, 2000. Copy supplied.

Area Student Completes Congressional Internship, *Lawrence Locomotive*, Lawrence, Nebraska, October 7, 1995. Copy Supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system

by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Nebraska State Records Board (2011 – 2018): Appointed by Governor Dave Heineman (2011), appointed to full term by Governor Dave Heineman (2012), and reappointed by Governor Pete Ricketts (2015).

I was a candidate for Nebraska Attorney General in 2014, and for the Omaha City Council (District 3) in 2009. Both candidacies were unsuccessful.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Nebraska Republican Party State Central Committee (2004 – 2018)

Nebraska Republican Party Convention Delegate (2004 – 2018)

Various roles at Nebraska Republican Party bi-annual conventions (2000 – 2018)

Rules Committee Chair (2010, 2012)

Rules Committee Member (2016, 2018)
Resolutions Committee Chair (2016)
Sergeant-at-Arms (2010)
Nebraska Republican Party Finance Chair (approximately 2013)

Nebraska Republican Party Volunteer Legal Counsel (2015 – 2018)

Pete Ricketts for Governor, retained counsel (2017 – 2018)

Kutak Rock LLP Political Action Committee (2008 – 2018)

Republican National Convention Committee on Resolutions (Platform Committee)
(2012, 2016)

Republican National Convention Elected Delegate (2008, 2012, 2016)

Nebraskans for a Better Tomorrow Political Committee (2008 – 2014)

Douglas County, Nebraska Republican Party (Volunteer)
Various roles at Douglas County Republican Party bi-annual conventions
(2000 – 2016)
Party Chairman (2007 – 2009)
Volunteer Legal Counsel, Douglas County Republican Party
(approximately 2005 – 2007)

Omaha Young Republicans Chairman (2005 – 2007)

University of Nebraska College Republicans
Treasurer (1996 – 1997)
Member (1993 – 1997)

Paid Intern, United States Senator Chuck Hagel, Washington, D.C. (1997 – 1998)

Intern, Nebraska Republican Party (1996 – 1997)

Congressman Bill Barrett Paid Intern, Washington, D.C. (Summer 1995)

I have also served as an unpaid campaign volunteer on the following state and federal campaigns:

Jean Stothert for Omaha Mayor (2013, 2017)

Don Bacon for Congress (2016)

Ben Sasse for United States Senate (2014)

Pete Ricketts for Governor (2014)

Lee Terry for United States Congress (approximately 2002 – 2014)

Deb Fischer for United States Senate (2012)

Dave Heineman for Governor (2006, 2010)

Mike Johanns for United States Senate (2008)

Pete Ricketts for United States Senate (2006)

Nancy O'Brien for University of Nebraska Board of Regents (2002)

Mike Johanns for Governor (1998, 2002)

Chuck Hagel for United States Senate (1996, 2002)

Hal Daub for Omaha Mayor (1995, 1997)

Don Stenberg for United States Senate (1996)

In addition to the above, I believe I may have written a limited number of letters to the editor for certain candidates for office. However, upon search of local media outlets, I have been unable to locate any such letters.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2000 – present
Kutak Rock LLP

1650 Farnam Street
Omaha, Nebraska 68102
(402) 346-6000
Chair, Agribusiness Litigation Group (2009-present)
Partner (2007 – present)
Associate (2000 – 2007)

2004
Douglas County, Nebraska Attorney's Office
1819 Farnam Street
Suite 909
Omaha, Nebraska 68183
Douglas County and City of Omaha Prosecutor
(Supplied services as pro-bono offering of Kutak Rock LLP)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

At Kutak Rock, I began working in the litigation department in 2000 doing primarily insurance coverage litigation. Over the next several years, I gained experienced in a variety of fields, including securities, financial services, government claims, agribusiness, commercial, and some employment matters.

During the fall of 2004, Kutak Rock offered my services on a full time basis to the Douglas County, Nebraska Attorney's Office for a three month time period due to a shortage of attorneys in the Douglas County Domestic Violence Prosecution Unit. While at the Douglas County Attorney's office, I prosecuted dozens of domestic violence charges, gaining both jury and bench trial experience. During my service with the Douglas County Attorney's office in the fall of 2004, I continued to be an employee of Kutak Rock, although I was a sworn Douglas County and Omaha City prosecutor.

In 2005, my work began to focus more on the legal issues of a single food and meat packing client, Tyson Foods, Inc., where I took primary briefing responsibility for large, complex briefing projects on cases with tens of millions of dollars at stake. At that time, I began to focus my practice on

agribusiness law and agribusiness disputes. I also gained experience with class action lawsuits, including performing substantial primary briefing responsibility for class certification briefs and other legal issues within such cases.

In 2009, I began leading the Kutak Rock LLP national agribusiness litigation team. In that capacity, I represent local and national clients in general commercial litigation, and coordinate activities of those attorneys who practice in agricultural law. I also supervise other attorneys who work on cases I am handling as lead counsel. I have experience in a variety of areas, including agribusiness, environmental, food law, real estate, product liability, class action, banking, and insurance bad faith litigation.

In 2011, I began further focusing my agribusiness litigation practice by organizing and offering a yearly agribusiness law continuing legal education (CLE) seminar held at Kutak Rock's Omaha, Nebraska offices. These yearly seminars provided invited guests, clients of the firm, and firm attorneys free CLE credits, approved for credit in five to nine different states, on topics relating to agricultural law. Topics covered included environmental law, packers and stockyards act law, banking and bankruptcy topics, and general agricultural law and regulations.

I have practiced in a variety of jurisdictions, including Nebraska and Iowa state and federal courts, the United States Court of Federal Claims, United States Bankruptcy Court for the District of Nebraska, among numerous other state and federal courts. I have also served as lead counsel representing agribusiness clients in large commercial arbitrations.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I represent some of the largest agribusinesses relating to disputes involving real estate, state and federal regulation, environmental concerns, food products, railroad and transportation issues and contract disputes, among other matters. I also represent a variety of small or medium agribusiness entities and individual farmers, ranchers or operators with regard to various disputes and advice relating to agriculture. I also have experience in the area of solid waste disposal and the environmental considerations relating to this industry. I also occasionally advise other attorneys on matters of legal ethics and professional responsibility and work on government relations matters in Nebraska at the state and local level. I have also handled several class action lawsuits as lead counsel, including class actions relating to the Fair Debt Collections Practices Act.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of

your appearances in court varied, describe such variance, providing dates.

My practice is litigation-focused. However, I spend a considerable amount of my time assisting large agribusiness clients with various matters outside of litigation. I spend time managing my clients' legal needs, including assisting in a variety of ways with transactions managed by corporate firm attorneys.

I would estimate that 70 percent of my time is spent on active litigation or dispute work seeking to resolve disputes or work in anticipation of litigation. The remaining 30 percent of my work includes general services to clients assisting such clients in a variety of ways, including finding specialist attorneys to handle specific legal issues for such clients. I also provide assistance to clients in communications and legal services management on legal work including transactions and employment issues.

Of the time I spend in active litigation or anticipation of litigation, a majority of such time is spent litigating in, or in anticipation of litigation in, federal courts, mostly in Nebraska and Iowa, but also in various other jurisdictions around the country. Approximately 35 percent of the time I spend on active litigation or in anticipation of active litigation is in various state courts, and the remaining amount of my time is spent on arbitration proceedings, or state or federal administrative proceedings.

Since I began practicing law in 2000, I have appeared in court occasionally.

My current practice is 100 percent civil in nature, with no criminal work.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 40% |
| 2. state courts of record: | 35% |
| 3. other courts: | 20%* |
| 4. administrative agencies: | 5% |

*I have had some significant experience trying cases in arbitration. I have included my arbitration work in the "other courts" category.

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 97% |
| 2. criminal proceedings: | 3% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate I have tried ten cases to verdict, judgment or final decision, either as lead or assisting counsel. On approximately four of these cases I was sole counsel or chief counsel, and in six of these cases I was associate counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 40% |
| 2. non-jury: | 60% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1). *Bruhn Farms Joint Venture v. Fireman's Fund Insurance Co.*, 823 F.3d 1161 (8th Cir. 2016).

From 2015 to 2016, I represented as lead counsel an Iowa farmer (Mr. Bruhn) in an appeal in front of the Court of Appeals for the Eighth Circuit relating to a crop insurance claim. I was retained by Mr. Bruhn after he decided to change counsel after a negative summary judgment ruling in favor of the insurance company. After oral argument, the Eighth Circuit reversed the trial court's entry of summary judgment in favor of the insurance carrier and remanded the case to be set for trial. I did not handle the trial in the matter. The appeal was before Judges Bobby E. Shepherd, C. Arlen Beam, and Jane Kelly.

Opposing counsel:

Elizabeth Thornton Bufkin
William Kurt Henke

Jeffrey Seott Dilley
Henke-Bufkin PA
Post Office Box 39
Clarksdale, Mississippi 38614
(662) 624-8500
(Counsel for Fireman's Fund Insurance Co.)

- (2). *Siouxland Ethanol, LLC v. Sebade Bros., LLC*, No. S-14-126, 859 N.W.2d 586 (2015).

From 2010 to 2015, I represented as lead counsel an ethanol plant that made a claim for breach of contract against a customer who agreed to purchase modified wet distillers' grains from the plant. The ethanol plant alleged the customer breached his contract to purchase product from the ethanol plant. On summary judgment, the district court ruled in favor of the client on liability and damages. The Nebraska Supreme Court affirmed the finding of breach of contract and remanded the case for a trial on damages. The case settled shortly before trial. The Honorable Paul J. Vaughan presided over the case.

Opposing counsel:

David Geier
Jeffrey D. Patterson
Bartle & Geier Law Firm
1141 H Street
Lincoln, Nebraska 68508
(402) 476-2847

Stuart Mills
320 North Main Street
Post Office Box 130
Pender, Nebraska 68047
(402) 385-3004

- (3). *James Neff Kramper Family Farm Partnership v. Garwood*, No. A-12-262, 2012 WL 6742136 (Neb. Ct. App. Dec. 31, 2012) (unpublished).

From 2010 to 2013, I represented as lead counsel a client in an adverse possession claim on agribusiness real estate. The dispute involved a quiet title action regarding a small parcel of land in Dakota County, Nebraska. The dispute arose when a land owner sold land to a neighbor in the late 1800s. It appeared the owners at the time may have "stepped-off" the boundary line at the time of sale, resulting in an imprecise boundary fence. The same two families continued to own the property into the 2000s. My client's claim on a theory of adverse possession was successful after a hearing at the trial court on summary judgment. The district court's decision was affirmed by the Nebraska Court of Appeals, with further review denied by the Nebraska Supreme Court. The Honorable Judge Paul J. Vaughan presided over the

case in the district court, and the appellate panel consisted of Judges Irwin, Pirtle and Riedmann.

Opposing counsel:

Gregory Lohr
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750 Pierce Street
Sioux City, Iowa 51101
(712) 277-1015
(Counsel for Plaintiff)

Kile Johnson
Johnson, Flodman, Guenzel & Widger
1227 Lincoln Mall
Lincoln, Nebraska 68501
(402) 475-4240
(Counsel for Nebraska Public Power District)

Wayne Boyd
115 East 28th Street
South Sioux City, Nebraska 68776
(402) 494-3053
(Counsel for City of South Sioux City, Nebraska)

- (4). *Iowa Premium Beef, LLC v. Global Capital Life, LLC*, No. 12-CV-39 EJM, 2013 WL 3364364 (N.D. Iowa July 3, 2013) (unpublished).

From 2012 to 2014, I represented as lead counsel a start-up entity that intended to and eventually did reopen a closed beef packing facility located in Tama, Iowa. The case involved the alleged fraud of an entity called Global Capital Life, LLC and its owners relating to an alleged scheme purportedly designed to provide Iowa Premium Beef, LLC with funding to renovate and reopen the packing facility. After significant litigation, the district court determined it had personal jurisdiction over the defendants and ordered defendant Global Capital Life, LLC, as well as certain owners, who were also named as defendants in the case, to arbitration. We ultimately were able to achieve a favorable resolution for the client. The Honorable Edward J. McManus presided over the case.

Opposing counsel:

Matthew D. Jacobson
Whitefield & Eddy, PLC
317 Sixth Avenue, Suite 1200
Des Moines, Iowa 50309
(515) 288-6041
(Counsel for defendants Global Life Capital, LLC, Rod Spray, and James Niles)

Peter G. Gierut
Gallagher, Millage, and Gallagher, PLC
3870 Middle Road
Bettendorf, Iowa 52722
(563) 355-5303
(Counsel for defendant Daniel Brune)

- (5). *Tyson Fresh Meats, Inc. v. Lauer Ltd., LLC*, 918 F. Supp. 2d 835 (N.D. Iowa 2013).

From 2011 to 2013, I represented as lead counsel Tyson Fresh Meats, Inc. (“Tyson”), who filed claim against Lauer Ltd., LLC, as well as its owners, for breach of a hog purchase contract. After the defendants argued that Lauer Ltd., LLC did not have funds to pay any judgment in the matter, I advanced a “piercing of the corporate veil” legal theory. The district court ultimately held that certain individual owner defendants could indeed be found personally responsible under the hog purchase contract. The result of such a ruling was a settlement shortly thereafter. The Honorable Donald E. O’Brien presided over the case.

Opposing counsel:

Daniel Hartnett
Crary Huff
614 Pierce Street
Sioux City, Iowa 51102
(712) 277-4561

Jonathan Blum
[formerly of Crary Huff]
Morningside College
1501 Morningside Avenue, LH 219
Sioux City, Iowa 51106
(712) 274-5408
(Counsel for defendants Lauer Limited, LLC, L & L Pork, Inc., Robert Lauer, and David Hansen)

- (6). *Great Western Railway of Colorado, LLC. v. Front Range Energy, LLC*, JAG Case No. 11-1069A, private JAG arbitration. Denver, Colorado.

I represented as lead trial counsel an agribusiness facing a multi-million dollar lawsuit premised upon an alleged breach of contract claim. After considerable litigation and a hearing in front of a three-judge arbitration panel, the panel awarded the client a “take-nothing” decision on the plaintiff’s claim and awarded my client in excess of \$500,000 on its counterclaim, including an award of fees and costs. I handled nearly all depositions, the opening and closing at the hearing, along with nearly all cross examinations at the hearing. The case was tried in 2012 to a three-

judge arbitration panel consisting of Joseph E. Meyer, III, Robert N. Miller and Gary L. Crosby.

Co-counsel:

Thomas W. Snyder
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1801 California Street
Suite 3000
Denver, Colorado 80202
(303) 292-7884

Opposing counsel:

Andrew Carafelli
Goodspeed & Merrill
7800 East Union Avenue
Suite 600
Denver, Colorado 80237
(720) 473-7644
(Counsel for Great Western Railway of Colorado, LLC)

- (7). *Backhaus v. AGP et al.*, United States District Court for the Northern District of Iowa, Case No. 5:08-cv-4067.

From 2008 to 2010, I represented as lead counsel an agricultural fertilizer company, Bio Tech Nutrients, LLC, named as defendant in a class action lawsuit relating to representations made by the client regarding a fertilizer product. The plaintiff class alleged Bio Tech Nutrients made false representations and warranties regarding a product it was selling to soybean farmers in Nebraska and Iowa. I was able to successfully negotiate a settlement that resulted in a very modest payment by my client. The favorable settlement allowed the client to continue in business. Bio Tech Nutrients continues in business today under a different entity name. The Honorable Donald E. O'Brien presided over the case.

Opposing counsel:

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(Counsel for defendants AG Processing Inc., AGP Grain Marketing and AgGrowth Products, LLC)

- (8). *Carter v. Cargill*, United States District Court for District of Nebraska, Case No. 8:08-cv-27.

From 2008 to 2011, I represented as lead counsel defendant Cargill, Inc. ("Cargill") in a personal injury claim seeking approximately \$2 million for injuries suffered at a fertilizer distribution facility. The lawsuit involved significant claimed injuries for the plaintiff, who fell off of a tanker trailer, designed and built by Cargill, at Cargill's facility. After significant litigation, the matter was settled for a fraction of the original demand. The Honorable Laurie Smith Camp presided over the case.

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Thomas Grennan

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(Counsel for defendants Mike Pruitt Trucking and Breinig Farms, Inc.)

- (9). *Institutional Bond Investors II, LLC v. America First Tax Exempt Investors, L.P., et al.*, Doc. 1053 Page 839 (D. Douglas Co., Neb. 2006).

From 2005 to 2006, I represented Burlington Capital Group, LLC, in a case where the plaintiff, Institutional Bond Investors II, LLC, demanded books and records of a limited partnership from the general partner of the partnership, Burlington. I handled legal research, briefing, witness preparation, and handled certain cross examination of witnesses at the trial of the matter. After trial, the Court issued a final order in favor of firm client Burlington. The Honorable Judge Gerald E. Moran presided over the case. Judgment supplied.

Co-counsel:

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(402) 346-6000

Opposing counsel:

Shawn Renner
Cline, Williams, Wright, Johnson & Oldfather, LLP
1900 U.S. Bank Building
223 South 13th Street
Lincoln, Nebraska 68508
(402) 474-6900

- (10). *State v. Frederick Lewis III*, CR 04-0021321 (2004).

I served as co-counsel prosecutor for the Douglas County, Nebraska attorney's office on a misdemeanor charge of assault involving a domestic altercation. The defendant was convicted of misdemeanor assault at the conclusion of a jury trial. The misdemeanor conviction was set aside as allowed by law, pursuant to a motion filed six years later, in 2010. The Honorable Marcena Hendrix presided over the case.

Co-counsel:

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(402) 444-7121

Opposing counsel:

Deborah A. Lce
Assistant Douglas County Public Defender
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H05 Civic Center
Omaha, Nebraska 68102
(402) 444-7175
(Counsel for Defendant)

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organization(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Throughout my career, I have been an active participant in activities that benefitted the legal profession. I have served as President of both the Agricultural Law and Environmental Law Sections of the Nebraska Bar Association. I have been an active member of the American Agricultural Law Association, receiving the award in 2017 for Excellence in Agricultural Law for Private Practice. I have also frequently presented at CLE seminars, usually on topics related to agricultural law. I began an annual CLE seminar relating to agricultural law at my firm, Kutak Rock LLP, approximately eight years ago. Over 150 people attended the seminar in 2018. As a long-time appointed member of the Nebraska State Records Board, I served as the representative of the legal profession on a board that has authority regarding certain aspects of electronic filing in various courts in Nebraska. Given my political involvement and races for political office, I have become familiar with certain aspects of federal and state campaign finance laws. I have advised clients on a pro-bono or paid basis with regard to campaign finance compliance. I have also been a long time member of the American Bar Association. I find the ABA publication from the Natural Resources & Environment section helpful to my practice of law.

I have been involved in dozens of cases which did not progress to trial, including cases in state and federal courts that settled at or right before trial. I have also advised clients in a

variety of areas, including agribusiness, environmental, food law, real estate, product liability, banking, railroad and transportation issues, and insurance bad faith litigation. I have also served as lead and assisting counsel on class action litigation. I have taken several matters in arbitration to final decision. I have also advised clients on compliance with corporate farming laws, meat packing plant operation, compliance with federal and state environmental regulations, and certain aspects of immigration and employment law. As a young attorney, I took misdemeanor criminal cases to jury verdict through a program where my law firm offered my services for free to the local county attorney's office.

I have also performed lobbying activities for Waste Connections, Inc. with regard to possible waste disposal services the company may propose to provide for the City of Omaha, Nebraska. This service has taken place in the 2017 to 2018 timeframe.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses at any educational institutions.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

If confirmed, I hope that I will be able to occasionally teach a law school course on an adjunct basis, although I have no commitments or agreements to do so. I expect to be compensated for my equity in the law firm of Kutak Rock LLP if confirmed. I will also abide by any applicable rules regarding the family cattle business if I choose to continue with such business.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment during my service with the Court, except I may seek to teach a law school class at some point.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report,

required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate and I file my Financial Disclosure Report, I will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Kutak Rock LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I serve as a representative of the legal profession on the Nebraska State Records Board since 2012. This position takes approximately forty hours per year.

I have served as volunteer legal counsel to both the Douglas County Republican Party as well as serving as current volunteer legal counsel to the Nebraska Republican Party. This work takes approximately 20 hours per year since approximately 2005.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In January, 2018, I had discussions with representatives of Senator Ben Sasse regarding whether I was interested in serving on the United States District Court for the District of Nebraska. On May 5, 2018, I interviewed with Senator Deb Fischer and Senator Sasse. On May 31, 2018, interviewed with the White House Counsel's Office and the Office of Legal Policy of the Department of Justice in Washington D.C. On June 9, 2018, I was informed by Senator Fischer that I had been preliminarily selected for the position.

I have communicated regularly with the Office of Legal Policy in preparation of my answers to this questionnaire and the completion of other related materials.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.